III. REMARKS

1. The Examiner objects to the specification. This objection is respectfully traversed. This U.S. application is the National Stage of International Application No. PCT/EP2002/008587. The detailed specification is well written, concise and clear, and includes the section headings the Examiner refers to. Applicant is unclear as to what the specific objection to the specification is.

2. The rejection of claims 11, 12 and 23 under 35 USC §112, second paragraph.

The Examiner states that the recitation in the claims of "the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission time" is not clear and no proper clarification is provided in the specification.

The Examiner is respectfully referred to page 16, lines 5-12 of the specification as filed. An example of the smallest transport time interval (relating to the claimed "defined transmission times") of 20ms is given. This portion of the specification goes on the say that the physical layer interleaving is a block interleaving process applied to the data in one radio block. Put another way, interleaving is applied across one radio block. It is also stated there that one radio block is 20ms. Thus, in the example stated in the specification, the interleaving depth (equal to one radio block, or 20ms) is not greater than (it is the same as) the smallest transport time interval (or, put another way, "the least of ... defined transmission times").

Further, the interleaving is applied to an amount of data. The amount of data corresponds to a transmission time (in the example, 20ms). The transmission

time to which the interleaving relates is not greater than the smallest transport time interval.

It is submitted that one of skill in the art would understand the meaning and use of the term. It is clear from the claim language that the interleaving depth has correspondence with a transmission time and that the transmission time is not greater that the least of the defined transmission times.

A search of the term "interleaving depth" on an online search engine, produces 9,240 hits in the Google™ search engine. Many of the references are published books and published technical papers. It will be appreciated that "interleaving depth" is the same as "depth of interleaving".

We hope that this technical explanation will allow the Examiner to see that the claim term cannot reasonably be interpreted to mean "that every transmission time is a set time period and that the interleaved data is transmitted within the set time period", and instead specifies the relationship between interleaving depth and transmission time.

Thus, it is submitted that claims 11, 12 and 23 are clearly and adequately described.

4. The Examiner states that Applicant's arguments filed on 20 November 2007 are "non[e] responsive." This statement is respectfully traversed and it is requested that the statement be expunged from the record. The response filed on 20 November 2007 was a detailed analysis of and response to the rejections set forth by the Examiner. Applicant's comments carefully considered the position of the Examiner with respect to the cited references. Each basis of rejection set forth was traversed with a detailed explanation as to why the cited reference does not disclose or suggest the particular claimed feature. Thus, the Examiner's statement that the submission was non-responsive is incorrect.

4. Claims 11-30 are not anticipated by Sakoda (US 6,088,345) because each element recited in the claims cannot be found in the cited reference. In order to establish a *prima facie* case of anticipation, there must be a one to one correspondence between each element of the claim and the cited reference. This is not, and cannot be the case here.

Sakoda is not relevant to Applicant's claimed subject matter because Sakoda has no disclosure related to "depth" of "interleaving" as that term is used and described in the specification.

Claim 11 recites that the "depth of said interleaving corresponds to a transmission time not greater than the least or said defined transmission times." This is not disclosed or suggested by Sakoda.

Sakoda relates to setting a transmission channel to accommodate changes in transmission conditions. During communication between a base station and a terminal, an outgoing call request is transmitted. The base station transmits a corresponding response signal to the terminal that specifies the transmission channel. (Col. 6, lines 41-57). When audio data is being transmitted in the section of information bits in the slot period, the header information in the data in each slot period is "0". (Col. 6, lines 62-65). When the terminal needs to transmit image data for a facsimile during the audio transmission, the header information is changed to "1". (Col. 6, line 66 to Col. 7, line 6). The base station looks for an empty slot, and if one is found the slot is used for transmission of the image data. (Col. 7, lines 7-21).

Sakoda mentions that data, which has been convolutional encoded, is supplied to an "interleave" buffer 62 for an "interleave" process. However, this is not the same as a "depth" of the interleaving corresponding to a "transmission time" that is "not greater than the least of said defined transmission times" as recited by Applicant in the claims. The Examiner's interpretation that "every transmission

time is a set time period and the interleaved data is transmitted within this set time period" is incorrect for the reasons stated above.

The Examiner refers to Figure 1(21), Col. 4, lines 1-21 and Col. 9, lines 13-25 to support this conclusion. However, these sections do not teach a "depth" of interleaving or that a "depth of said interleaving corresponds to a transmission time <u>not greater</u> than the <u>least</u> or said <u>defined transmission times</u>" as recited by Applicant in the claims.

Figure 1, reference 21 is a transmitter. Col. 4, lines 1-21 discusses that the transmission data is supplied to a modulation process. The features recited by Applicant are not disclosed or suggested in the figure or the passage.

As noted earlier, Col. 9, lines 13-25 discusses how the coded data is subjected to an interleave process. However, what is not disclosed here or elsewhere in Sakoda is that a "depth" of the interleaving corresponds to a "transmission time" that is "not greater than the least of said defined transmission times" as recited by Applicant in the claims.

Thus, since Sakoda does not disclose or suggest at least the feature that a "depth of said interleaving corresponds to a transmission time <u>not greater</u> than the <u>least</u> or said <u>defined transmission times</u>, claim 11 cannot be anticipated by Sakoda.

Claim 11 is also not anticipated by Sakoda because there is no disclosure relating to concatenating data from the data flow <u>and</u> a code identifying the manner "to produce a block of concatenated data" as recited in the claim.

Figures 1 and 10 of Sakoda illustrate the basic system, but do not teach what is claimed by Applicant.

Col. 3, lines 42-67 does not describe that which is claimed by Applicant. The section describes how the reception signal is converted, the audio data is

converted and the facsimile data is converted. There is no disclosure here related to what is claimed by Applicant.
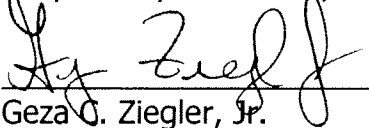
Col. 4, lines 1-37 are similarly silent as to the features recited by Applicant in claim 11.

Thus, since at least this feature is not disclosed or suggested by Sakoda, the claim cannot be anticipated. Claims 13-17 should be allowable at least by reason of their respective dependencies.

Claims 12 and 23 are not anticipated for reasons similar to those discussed with respect to claim 11. Claims 18-20 and 24-29 are not anticipated at least by reason of their respective dependencies.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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